

PROB 12C
(5/00)

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS**

Petition for Warrant or Summons for Offender Under Supervision

United States District Court
Southern District of Texas
FILED

AUG 17 2005

17 2005
~~MICHAEL N. MILBY CLERK~~
03CR00366-S-001

Name of Offender: Martine Oplinger

Case Number: 2:03CR00366-S-001 ~~CONFIDENTIAL~~

Name of Sentencing Judge: The Honorable Janis Graham Jack

Date of Original Sentence: April 30, 2004

Original Offense: Attempt to Possess 41 Grams of Methamphetamine

Original Sentence: Time Served (124 days) BOP and 1 year TSR

Type of Supervision: Supervised Release Supervision Started: 02/04/2005

Assistant U.S. Attorney: Mark Patterson

Defense Attorney: Chris Jenkins

EARLIER COURT ACTION

None.

PETITIONING THE COURT

TO ISSUE A WARRANT for defendant.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Law Violation- Possession and Use of Cocaine

On or about April 5, 2005, in Corpus Christi, Texas, Martine Oplinger possessed and used cocaine, a controlled substance not prescribed by a physician, as evidenced by a urine specimen submitted by the defendant on that date to Sr. U.S. Probation Officer Ruben A. Gonzalez, such specimen tested positive for cocaine through laboratory analysis. Ms. Oplinger admitted to cocaine use. The possession alleged above is a violation of 21 U.S.C. § 844.

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2

Failure to Abide by the Drug Treatment Program's Rules and Regulations

A. Martine Oplinger was participating in a drug treatment program with Paramount Therapy Center and was on Phase I requiring two counseling sessions and three random urine samples per month. The defendant violated the rules and regulations of the program by failing to report as directed for individual counseling on March 30, April 18, and the entire month of May and June 2005, and by failing to submit random urine specimen on February 23, March 14, March 28, the entire month of May and June of 2005.

B. On April 5, 2005, Martine Oplinger violated the rules and regulations of Paramount Therapy Center Drug Treatment Program, which prohibits the use of controlled substances not prescribed by a physician, by using cocaine, such use evidenced by a urine specimen submitted by her on that date, as such specimen tested positive for cocaine through laboratory analysis.

3

Failure to Abide by Mental Health Program's Rules and Regulations

Martine Oplinger was participating in a mental program with Paramount Therapy Center and was required to attend two counseling sessions per month. The defendant violated rules and regulations of Paramount Therapy Center Program by failing to report as directed for mental health individual counseling on March 30, April 18, April 29, May 24, May 31, 2005; and the entire month of June 2005.

4

Failure to Abide by Inpatient Drug Treatment Program's Rules and Regulations

On or about July 19, 2005, Martine Oplinger, while participating at the Bonita St. House of Hope inpatient drug treatment program located in Houston, Texas, violated the rules and regulations of the program by being "out of place" in violation of Major Rule No. 8, when she failed to return to the facility as instructed. Subject failed to return to the facility on July 19, 2005, and was discharged from the treatment program on July 20, 2005. Her whereabouts are unknown.

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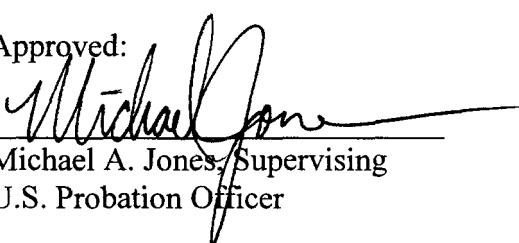
U.S. Probation Officer Recommendation:

[X] The term of supervision should be
[X] revoked.
[] extended for years, for a total term of years.

[] The conditions of supervision should be modified:

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

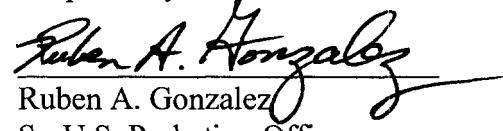
Approved:



Michael A. Jones, Supervising
U.S. Probation Officer

Respectfully submitted:

by



Ruben A. Gonzalez
Sr. U.S. Probation Officer

August 11, 2005

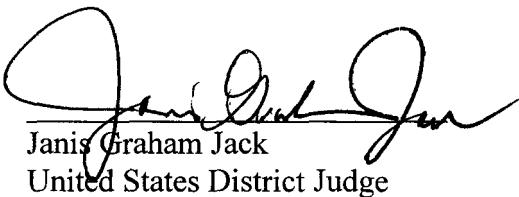
THE COURT ORDERS:

[] No Action

The Issuance of a Warrant, and a bond of \$ 50,000 cash/surety with supervision as directed by the Probation Officer as a condition of said bond.

[] The Issuance of a Summons.

[] Other _____



Janis Graham Jack
United States District Judge

8-15-05
Date